



# City of Annapolis

Planning Commission  
Department of Planning & Zoning  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, MD 21401-2535

410-263-7961 • Fax 410-263-1129 • [www.annapolis.gov](http://www.annapolis.gov)  
Deaf, hard of hearing or speech disability - use MD Relay or 711

September 27, 2017

**To: Annapolis City Council**  
**From: Planning Commission**  
**Re: Findings for O-34-17: Ordinance 34-17, for the purpose of clarifying the scope of factors the Historic Preservation Commission may consider in reviewing applications for exterior changes to buildings in the Historic District.**

## SUMMARY

The purpose of Ordinance 34-17 is to clarify the scope of factors the Historic Preservation Commission may consider in reviewing applications for exterior changes to buildings in the Historic District. The intent of the changes to this section of the Code is to address the District Court Judges Opinion of a municipal infraction citation.

## BACKGROUND AND ANALYSIS

This legislation stems from the May 10, 2017 District Court Opinion issued by The Hon. John P. McKenna, Jr. the Judge who presided over the trial of a municipal infraction citation issued to the owners of 51-53 West Street for the un-permitted mural painting on said property.

Judge McKenna ruled in favor of the City of Annapolis on all outstanding defenses raised during trial. In his opinion, however, he wrote that there was one part of Chapter 21.56 (Historic District Overlay) that he deemed unconstitutional, Section 21.56.060A. That section of the City Code establishes the review criteria that the Historic Preservation Commission must follow in considering applications for a certificate of approval to perform work on the exterior of structures in the Historic District. After reciting specific factors, Section 21.56.060A states that the Historic Preservation Commission may also consider "any other factors....which the Commission deems to be pertinent." This legislation will amend Section 21.56.060A to limit the scope of the Historic Preservation Commission's consideration to "....any other RELEVANT AND PROBATIVE factors...."

## RECOMMENDATION

On September 7, 2017, the Planning Commission held a public hearing on O-34-17 and decided to take NO ACTION on the ordinance with a vote of 3 to 2. Commissioner Waldman made a request for a dissenting opinion which was denied 3-2.

Adopted this 27<sup>th</sup> day of September, 2017

  
\_\_\_\_\_  
David Iams, Chair